

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

V.

CHRISTINA GUEVARA CARDENAS,
Defendant.

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CR. No. C-08-318 (17)

**MEMORANDUM OPINION AND ORDER
DENYING MOTION FOR REDUCED SENTENCE**

On September 11, 2009, the Court received a letter motion from Defendant Christina Guevara Cardenas, which has been docketed at the Court's direction as a motion to reduce sentence. (D.E. 686.) In it, Cardenas asks that she be given a reduction in her sentence. She explains that she realizes the gravity and consequences of her actions, and how her children have been hurt by her criminal conduct. She asks for a reduced sentence in order to allow her "a second chance to become a better mother and a better person of society." (D.E. 686 at 1.)


Cardenas was convicted after a guilty plea and sentenced on May 7, 2009 to 87 months in the custody of the Bureau of Prisons. (D.E. 599, 605.) Final judgment was entered on May 15, 2009. (D.E. 605.) Cardenas did not appeal.

Although Cardenas requests a reduction in her sentence, this Court has authority to modify or correct a previously imposed sentence only in the "limited number of circumstances" set out in 18 U.S.C. § 3582(c). United States v. Bridges, 116 F.3d 1110, 1112 (5th Cir. 1997). These circumstances are limited to the following: (1) when the Bureau

of Prisons moves the Court to modify the sentence for reasons outlined in § 3582(c)(1); (2) under Fed. R. Crim. P. 35 (on the government's motion due to substantial assistance or to correct a clerical mistake within seven days of the date the sentence was imposed); and (3) when the guidelines under which the defendant was sentenced have been subsequently lowered, and a modification of sentence is consistent with the guidelines' policy statements. See § 3582(c).

Cardenas fails to assert grounds for modification that fall into any of the categories above. Thus, this Court is without authority to reduce her sentence and her motion (D.E. 686) is DENIED.

It is so ORDERED this 20th day of September, 2009.


HAYDEN HEAD
CHIEF JUDGE